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BP
9-6-01

Assistant Commissioner
for Patents
Washington, D.C. 20231

**AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. §1.111**

Dear Sir:

In response to the Official Action dated March 29, 2001, please amend the above-identified patent application as follows:

In the claims:

Please add new claims 37-58 as follows:

- Sub C 1*
37. (New) An isolated pesticidal agent which is an extracellular protein obtainable from a *Xenorhabdus nematophilus* species and which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1) or encoded by a variant thereof which hybridizes with said sequence under stringent conditions, said protein having toxic activity when administered orally to an insect.
- Sub K 2*
38. (New) An agent according to claim 37, wherein the *Xenorhabdus nematophilus* species is ATCC 19061, NCIMB 40886 or NCIMB 40887.
39. (New) An agent according to claim 37, which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1).